

**FILTER SELECTED:**

Guideline: \$2M5.3  
Final Offense Level: 38  
Criminal History Category: VI  
Guideline Range: 360-Life

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**FEDERAL DEFENDANTS IN SELECTED CELL**

During the last five fiscal years (FY2019-2023), there were 4 defendants whose primary guideline was \$2M5.3, with a Final Offense Level of 38 and a Criminal History Category of VI, after excluding defendants who received a §5K1.1 substantial assistance departure. For the 4 defendants (100%) who received a sentence of imprisonment in whole or in part, the average length of imprisonment imposed was 158 month(s) and the median length of imprisonment imposed was 180 month(s).

The sentencing data provided does not reflect the Commission's recommendation regarding the appropriate sentence to be imposed or represent the Commission's official position on any issue or case. Nor does the information provided reflect the Commission's position regarding the weight to be given, if any, to the above sentencing information in a court's determination of the appropriate sentence to be imposed.

If the court does consider the above sentencing information as part of its consideration of the factors in 18 U.S.C. § 3553(a) in imposing sentence, it should do so only after considering the properly calculated guideline range and any applicable departures provided for in the Guidelines Manual.

**Sentence Imposed Relative to the Guideline Range for Defendants in Selected Cell**

Fiscal Year 2019-2023

■ Within Range ■ Downward Departure or Variance ■ Upward Departure or Variance ■ §5K1.1 Substantial Assistance



**Note:** The figure includes the 4 defendants reported to the Commission whose primary guideline was \$2M5.3, with a Final Offense Level of 38 and a Criminal History Category of VI, including defendants who received a §5K1.1 substantial assistance departure. Cases missing information necessary to complete the analysis were excluded from this figure. Defendants who received a §5K1.1 substantial assistance departure are included in this analysis but are excluded from other analyses below. As such, the number of defendants included in this analysis may exceed the number of defendants in other analyses. Total percentages displayed in the figure may not sum to 100% due to rounding.

**Sentence Type for Defendants in Selected Cell (after excluding §5K1.1)**

Fiscal Year 2019-2023

■ Defendants Receiving Imprisonment (In Whole or In Part) ■ Defendants Receiving Probation or Fine Only



# Sentence Type for Defendants in Selected Cell (after excluding §5K1.1) Fiscal Year 2019-2023



**Note:** The figure includes the 4 defendants reported to the Commission whose primary guideline was §2M5.3, with a Final Offense Level of 38 and a Criminal History Category of VI, after excluding defendants who received a §5K1.1 substantial assistance departure. Cases missing information necessary to complete the analysis were excluded from this figure. Total percentages displayed in the figure may not sum to 100% due to rounding.

The *Defendants Receiving Imprisonment* category includes defendants sentenced to a term of imprisonment (in whole or in part) and who received a commitment to the Bureau of Prisons. This category includes (1) defendants sentenced to a term of imprisonment only, with no additional conditions of community confinement, home detention or intermittent confinement (prison only) and (2) defendants sentenced to imprisonment and conditions of alternative confinement as defined in USSG §5C1.1 (Prison and Alternatives). This category includes, but is not limited to, Zone A, Zone B, or Zone C cases receiving prison with additional conditions of a term of community confinement, home detention, or intermittent confinement.

The *Defendants Receiving Probation* category includes defendants sentenced to a term of probation with or without a condition of community confinement, intermittent confinement, or home detention (probation only and probation and Alternatives). This category also includes defendants who received no prison, no probation, and no time of alternative confinement as defined in USSG §5C1.1, but instead who received a fine and/or a special assessment (fine only).

## Average and Median Length of Imprisonment for Defendants in Selected Cell Who Received a Sentence of Imprisonment (excluding §5K1.1)

Fiscal Year 2019-2023



**Note:** The figure includes the 4 defendants reported to the Commission (1) whose primary guideline was §2M5.3, with a Final Offense Level of 38 and a Criminal History Category of VI, after excluding defendants who received a §5K1.1 substantial assistance departure, and (2) the defendant received a sentence of imprisonment in whole or in part. Cases missing information necessary to complete the analysis were excluded from this figure.

*Average and Median Length of Imprisonment* reports the average and median term of imprisonment imposed in months for cases in which a term of imprisonment was imposed. Probation sentences are excluded. Any portion of a sentence that is an alternative confinement, as described in USSG §5C1.1, is also excluded. Cases in which a sentence is imposed, but where the length is indeterminable, are excluded. When sentences are expressed as "time served" on the J&C, Commission staff uses the dates in federal custody to determine the length of time served when an defendant has been in and out of custody, or the start date is unclear/missing, then the Commission assigns a value of one day as a minimal time served amount for these cases. In cases where the court imposes a sentence of life imprisonment, sentences are reported as 470 months, a length consistent with the average life expectancy of federal criminal defendants given the average age of federal defendants. Sentences of greater than 470 months are also reported as 470 months.